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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,998	06/26/2003	Kuntal Chowdhury	NRT.0117US (15729RRUS01U)	3592
21906	7590	09/21/2007	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			09/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/606,998	CHOWDHURY, KUNTAL
	<b>Examiner</b>	<b>Art Unit</b>
	/BINH K. TIEU/	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 26 June 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 6/26/03&11/24/03.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wenzel et al. (Pub No.: US 2002/0167905).

***Regarding claim 1***, Wenzel et al. (“Wenzel”) teaches a method for use in a mobile communications network, comprising:

receiving a request from a wireless network to terminate a communications session with a mobile station;

in response to receiving the request to terminate, checking an indicator to determine whether the communications session is to be maintained for the mobile station; and

in response to determining that the communications session is to be maintained for the mobile station, generating a message to deny the request to terminate the communications session (see paragraph [0041]).

Regarding claims 2-4, note figure 2 and paragraphs [0038] and [0040].

Regarding claim 5, note “always on” “always connected” type network in paragraph [0040].

Regarding claim 6, note paragraph [0030].

Regarding claims 7-12, note paragraph [0041] and also note paragraph [0046].

***Regarding claim 13***, Wenzel teaches an article comprising at least one storage medium containing instructions that when executed cause a system to:

receive a request from a wireless network to terminate a communications session with a mobile station;

in response to receiving the request to terminate, checking an indicator to determine whether the communications session is to be maintained for the mobile station; and

in response to determining that the communications session is to be maintained for the mobile station, generating a message to deny the request to terminate the communications session (see paragraph [0041]).

Regarding claims 14-15, note figure 2 and paragraphs [0038] and [0040].

Regarding claim 16, note “always on” “always connected” type network in paragraph [0040].

Regarding claim 17, note paragraph [0036].

Regarding claims 18-21, note paragraph [0041] and also note paragraph [0046].

***Regarding claim 22***, Wenzel teaches a system comprising:

an interface to receive, from a wireless network, a request to terminate a communications session with a mobile station;

a controller to check an indicator to determine whether the communications session is to be maintained for the mobile station; and in response to determining that the communications session is to be maintained for the mobile station, generating a message to deny the request to terminate the communications session (see paragraph [0041]).

Regarding claim 23, note “always on” “always connected” type network in paragraph [0040].

Regarding claim 24, note PDSN 128 in figure 1.

Regarding claim 25, note paragraph [0030].

Regarding claim 26, note paragraph [0046].

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wybenga et al. (Pub. No.: US 2004/0008649) also teaches a system and a method for use in a mobile communications network to remove an unused data session connected to a mobile terminal, as recited in the above rejected claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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Washington, D.C. 20231

Or faxed to:

(571) 273-8300  
Hand Carry Deliveries to:  
Customer Service Window  
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401 Dulany Street  
Alexandria, VA 22314

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: September 2007